

PATENT COOPERATION TREATY

CRAWFORD MAUNU PLLC

CPI Ref. No.: 03-550PCT

Date Sent: 1-6-05

Atty. Initials: MAB

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

To:
CRAWFORD MAUNU PLLC
Attn. Hollingsworth, Mark A.
1270 Northland Drive, Suite 390
St. Paul, MN 55120
UNITED STATES OF AMERICA

(PCT Rule 44.1)

Applicant's or agent's file reference GUID.632PCT	Date of mailing (day/month/year) 23/11/2004
International application No. PCT/US2004/010917	FOR FURTHER ACTION See paragraphs 1 and 4 below
Applicant CARDIAC PACEMAKERS, INC.	International filing date (day/month/year) 09/04/2004
	419 23/1/2005 IDS 23/2/2005

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders


Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Johannes Van Brummelen
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NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1 *bis*(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43 *bis*.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference GUID. 632PCT	FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US2004/010917	International filing date (<i>day/month/year</i>) 09/04/2004	(Earliest) Priority Date (<i>day/month/year</i>) 11/04/2003
Applicant CARDIAC PACEMAKERS, INC.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 9 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box II).

3. ☒ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 4

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2004/010917

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 15-56, 87-101
because they relate to subject matter not required to be searched by this Authority, namely:
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy
Rule 39.1(iv) PCT - Diagnostic method practised on the human or animal body
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

see additional sheet

1. ☒ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☒ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Claims Nos.: 15-56,87-101

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy

Rule 39.1(iv) PCT - Diagnostic method practised on the human or animal body

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-14

An ICD with one or more electrodes, which are capable of developing a cardiac activity signal and a patient activity signal.

2. claims: 57-86

An ICD with an additional non-electrophysiologic sensor that verifies the quality of the detected ecg signal.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US2004/010917

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61N1/362

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61N A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2002/107552 A1 (GILKERSON JAMES O ET AL) 8 August 2002 (2002-08-08) paragraph [0006]	1,2,7,8, 13,14
Y	paragraph [0022] paragraph [0030] paragraphs [0051] - [0057] paragraphs [0062], [0063], [0067], [0068] -----	6
X	US 2002/147474 A1 (MORRIS MILTON ET AL) 10 October 2002 (2002-10-10) paragraphs [0005], [0006] paragraph [0033] paragraphs [0039] - [0042] -----	1-3
Y	US 5 417 714 A (LEVINE PAUL A ET AL) 23 May 1995 (1995-05-23) column 14, line 49 - column 15, line 15 ----- -/--	6

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

° Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

28 October 2004

Date of mailing of the international search report

23. 11. 2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Loveniers, K

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US2004/010917

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5 342 404 A (ALT ECKHARD ET AL) 30 August 1994 (1994-08-30) column 4, line 8 - column 5, line 61 column 9, lines 21-63 column 14, lines 46-64 -----	1-3,7
A	US 6 144 879 A (GRAY NOEL DESMOND) 7 November 2000 (2000-11-07) column 4, lines 18-40 column 5, lines 8,9 column 11, line 57 - column 12, line 44 -----	1-14
X	EP 0 488 512 A (TELETRONICS NV) 3 June 1992 (1992-06-03) page 1, line 10 - page 2, line 22; figures 1-3 page 4, lines 1-3 page 6, lines 9-48 page 7, lines 15-20	57-59, 63,70, 75-83, 85,86
Y		60,65
X	WO 03/020367 A (MEDTRONIC INC) 13 March 2003 (2003-03-13) page 3, line 1 - page 5, line 27; claims 1,4,16 page 18, line 18 - page 20, line 10; figures 9-11 -----	57-59, 61-63, 75,82,83
X	US 6 122 536 A (SUN XIAO GUONG ET AL) 19 September 2000 (2000-09-19) column 5, line 38 - column 7, line 32; claims 1-4 column 15, lines 44-53 column 16, lines 16-35 column 18, line 40 - column 19, line 12; figure 15a column 19, line 66 - column 20, line 3 -----	57-59, 62-64, 66-69, 71-74, 80,82-84
Y	US 5 556 421 A (PRUTCHI DAVID ET AL) 17 September 1996 (1996-09-17) column 4, line 28 - column 5, line 45; figures 2,3 column 9, lines 6-15 ----- -/--	60,65

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US2004/010917

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 6 198 952 B1 (MIESEL KEITH A) 6 March 2001 (2001-03-06) column 3, line 42 - column 4, line 44; figures 5,7,11 column 9, line 51 - column 10, line 5 column 12, lines 30-48 column 13, line 53 - column 14, line 15 column 16, line 1 - column 17, line 45 -----	57-86

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2004/010917

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2002107552 A1	08-08-2002	US 6317632 B1 CA 2288263 A1 EP 0986419 A1 WO 9848891 A1 US 6151524 A US 5978707 A	13-11-2001 05-11-1998 22-03-2000 05-11-1998 21-11-2000 02-11-1999
US 2002147474 A1	10-10-2002	NONE	
US 5417714 A	23-05-1995	US 5237992 A AU 6301794 A DE 69429838 D1 DE 69429838 T2 EP 0624386 A2 JP 7136287 A AU 3378993 A DE 69333033 D1 DE 69333033 T2 EP 0559193 A2 JP 6007458 A	24-08-1993 17-11-1994 21-03-2002 22-08-2002 17-11-1994 30-05-1995 09-09-1993 17-07-2003 29-04-2004 08-09-1993 18-01-1994
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US 6144879 A	07-11-2000	WO 9220402 A1 US 6044300 A US 5792208 A US 5954757 A AU 5331094 A WO 9408657 A1 US 5674259 A	26-11-1992 28-03-2000 11-08-1998 21-09-1999 09-05-1994 28-04-1994 07-10-1997
EP 0488512 A	03-06-1992	US 5184614 A DE 69123558 D1 DE 69123558 T2 EP 0488512 A2	09-02-1993 23-01-1997 15-05-1997 03-06-1992
WO 03020367 A	13-03-2003	US 2003045805 A1 CA 2458656 A1 EP 1423163 A1 WO 03020366 A1 WO 03020367 A1 US 2003158492 A1	06-03-2003 13-03-2003 02-06-2004 13-03-2003 13-03-2003 21-08-2003
US 6122536 A	19-09-2000	US 5995860 A AU 6455696 A CA 2226012 A1 EP 0840567 A1 IL 122747 A JP 11508792 T WO 9701986 A1 AU 3596597 A CA 2259254 A1 EP 0923335 A1	30-11-1999 05-02-1997 23-01-1997 13-05-1998 06-12-2000 03-08-1999 23-01-1997 02-02-1998 15-01-1998 23-06-1999

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2004/010917

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 6122536	A		IL 127213 A	17-09-2003
			JP 2000515778 T	28-11-2000
			US 6049727 A	11-04-2000
			WO 9801071 A1	15-01-1998
US 5556421	A	17-09-1996	CA 2210078 A1	29-08-1996
			EP 0810895 A1	10-12-1997
			JP 11500930 T	26-01-1999
			WO 9625978 A1	29-08-1996
			US 5730125 A	24-03-1998
US 6198952	B1	06-03-2001	EP 1124609 A1	22-08-2001
			WO 0025862 A1	11-05-2000
			US 6248080 B1	19-06-2001
			US 2002052563 A1	02-05-2002